

**WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR KING COUNTY**

REGULAR MEETING MINUTES

May 11, 2006

**Bellevue Fire Station
Bellevue, Washington**

I. CALL TO ORDER

Chair Charles Booth convened the meeting at 7:00 P.M.

II. ROLL CALL

Evangeline Anderson	Robert Cook
A. J. Culver	Claudia Hirschey
Roger Loschen	Michael Marchand
Judy Tessandore	
Robert George (Guest):	

III MINUTES

A. REGULAR MEETING:

Chair Booth presented the minutes of the Regular Meeting of April 20, 2006 for review and action by the Board members.

Action: Claudia Hirschey moved and Judy Tessandore seconded the motion to adopt the minutes of the Regular Meeting of April 20, 2006. The Board members voted unanimously in favor of approval of this record.

B. SPECIAL MEETING/PUBLIC HEARING - FILE NO. 2197 (MARCH 20, 2006):

Chair Booth presented the minutes of the Special Meeting/Public Hearing of March 20, 2006 for review and action by the Board members.

Action: A. J. Culver moved and Michael Marchand seconded the motion to adopt the minutes of the Special Meeting/Public Hearing of March 20, 2006. The Board members voted unanimously in favor of approval of this record.

C. SPECIAL MEETING/PUBLIC HEARING - FILE NO. 2194 (MARCH 27 - 30, 2006) – PENDING:

Chair Booth presented the minutes of the Special Meeting/Public Hearing of March 27, 2006 for review and action by the Board members.

Action: Evangeline Anderson moved and Michael Marchand seconded the motion to adopt the minutes of the Special Meeting/Public Hearing of March 27, 2006. The Board members voted 7 in favor of approval of this record. Judy Tessandore abstained as she did not attend the meeting.

Action: Evangeline Anderson moved and Michael Marchand seconded the motion to adopt the minutes of the Special Meeting/Public Hearing of March 29, 2006. The Board members voted 7 in favor of approval of this record. Judy Tessandore abstained as she did not attend the meeting.

Action: Evangeline Anderson moved and Michael Marchand seconded the motion to adopt the minutes of the Special Meeting/Public Hearing of March 30, 2006. The Board members voted 7 in favor of approval of this record. Judy Tessandore abstained as she did not attend the meeting.

V. ADMINISTRATION

A. CHAIR'S REPORT

General Business:

Chair Charles Booth and Lenora Blauman reported that the Board is currently working on several projects including: (1) coordinating programs with King County Executive/Council Work Program; (2) coordinating activities with the State Association to establish Work Program at Interim Legislature 2006 and Legislature 2007; (3) administration of the proposed Boulevard Park Incorporation; (4) pre-development review for future Notices of Intention; and (5) monitoring of the Year 2006 Budget and planning for Year 2007 Budget Proposal. Committee members and staff will report on these activities.

Washington State Boundary Review Board Association Spring Training Workshop: Charles Blauman reported that the Washington State Boundary Review Board Association Spring Training Workshop took place on May 10, 2006 in Ellensburg, Washington. The Agenda included excellent presentations both for incoming Board members and for more experienced members. Highlights included:

- A presentation by Robert Kaufman on current laws and legal issues relating to practices of boundary review boards.
- Presentations of case studies by Doug Beu of Spokane County (Incorporation); Mark Beales of Snohomish County (Expanded Annexations); and Michael Marchand of King County (Annexations Based Upon Interlocal Agreements).

The Association welcomed members of new Boards from Lewis County and Clallam County.

New Member Appointment

Charles Booth reported that Lenora Blauman is continuing to work with the Office of the King County Executive to secure a new member to serve on the Board.

Report from Robert Kaufman (Special Assistant Attorney General):

- File No. 2168: City of Redmond NE Rose Hills II:

The Supreme Court has agreed to consider the matter – which is focused upon the question of authority provided to the Boundary Review Board to expand annexation areas under RCW 36.93.150, *et seq.* Oral arguments are scheduled for June 13, 2006.

It is anticipated that key issues will relate to the facts of the law related to Boundary Review Board authorities and to the overarching impacts on the quasi-judicial responsibilities of the Boundary Review Board.

Depending upon the nature and scope of the review and decision making undertaken by the Court, the matter may precedent setting in the State of Washington.

- File No. 2199: City of Renton Anthone Annexation: This action is currently under consideration by the King County Superior Court. Defendants in this case include the City of Renton, King County, and the Boundary Review Board.

The plaintiff is seeking to require the City of Renton to revise land use designations and water provision policies with respect to this property. Therefore, the primary defendant is the City of Renton.

King County is seeking to be removed from the matter based upon the plaintiff's failure to timely file the action under the provisions of Land Use Petition Act.

As the Boundary Review Board is a corollary defendant, Mr. Kaufman is providing our files to the Court. Hearing dates will be scheduled in the foreseeable future.

B. Committee Reports

Legislative Committee: Charles Booth and Lenora Blauman reported that the Boundary Review Board State Association is continuing to coordinate with Michael Shaw (Association Legislative Consultant) in his work with the House Local Government Committee and the Senate Government Operations Committee for matters coming before the Interim 2006 Session and for Legislature 2007.

The Association will be meeting as necessary with Michael Shaw. Reports will be provided to each Boundary Review Board.

Budget Committee: Boundary Review Board staff is beginning to prepare the Year 2007 Budget Proposal. The Proposal will be completed following review by the Board Budget Committee.

Budget requirements must be based upon the number and complexity of Notices of Intention likely to come before the Board. Utilizing 2005 and 2006 as models for funding requirements, the Board will be seeking increased basic funding to address administrative requirements (e.g., legal notices, court reporting) and for staffing services.

In addition, the Board is working with Special Assistant Attorney Robert Kaufman to adjust his retainer and fees in order to provide funding that reflects current services and fees. As required, by the Boundary Review Board Rules, the Personnel Committee will meet with the Budget Committee to establish a specific proposal for fee adjustment. The Personnel Committee will meet on this matter on June 8, 2006.

C. Executive Secretary's Report

File No. 2222 City of Renton – Querin Annexation

Mrs. Blauman reported that, at the request of the City of Renton, the Board agreed to set a Public Hearing to review the Querin Annexation (7.3 acres). The initial hearing will take place on Tuesday, May 16, 2006. In the event that the Boundary Review Board elects to consider a request by the City of Renton to expand the annexation area to 24 acres, a Public Hearing to review this proposed expansion will take place on May 22, 2006.

File No. 2231 City of Renton – East Renton Plateau

Lenora Blauman reported that the Board has agreed to conduct a public hearing to consider the City of Renton Preserve Our Plateau Annexation (POPA) at public hearings scheduled for June 14 and June 15, 2006.

The Preserve Our Plateau Annexation is being proposed under a petition/election method. Citizens have petitioned the City of Renton at this time to annexation the jurisdiction in order to participate in a local government and to ensure coordinated public facilities and services to the existing and potential future residents of this community.

The City of Renton is seeking a Public Hearing before the Boundary Review Board to enable citizens to review the proposed Preserve Our Plateau Annexation under the aegis of an independent agency. Under the proposed annexation, the City will also conduct an election to enable each citizen to make a decision as to whether to annex to Renton.

A complete packet will be provided to the Board approximately one week prior to the Public Hearing. A tour of the site will be provided for interested Board members immediately prior to the public hearing.

Notice of Intention Instructions (Housekeeping Amendments): Lenora Blauman reported that Boundary Review Board staff has been working to assist a group of King County officials and staff working to develop a streamlined process by County offices for review of applications by special purpose districts (i.e., utility service providers) seeking changes to service boundaries.

The Board has an interest in assisting County officials to create a quality product and an efficient process as various County offices (e.g. Department of Development Services, Utilities Committee) charged with review and comment upon Notices of Intention submitted to our agency. The County Council is also responsible, under RCW 52.07, for review of special purpose district applications – although the Boundary Review Board is the final authority with respect to such files.

To assist the County and to benefit the Boundary Review Board, housekeeping modifications are being proposed to the Notice of Intention Instructions provided to cities and special purpose districts. In brief these modifications would ensure that special purpose districts demonstrate compliance of their proposed actions with statutes, plans, regulations and other applicable documents (e.g., interlocal agreements).

These housekeeping modifications are provided for the information of the Boundary Review Board. Input by Board members is welcome. Under Boundary Review Board Rules of Organization and Procedures, minor (housekeeping) modifications to Notice of Intention Instructions do not require review in a public hearing.

North Highline: Citizens of the North Highline Area continue to meet with King County officials, with representatives of Seattle and Burien, and with special purpose district providers to consider option for future governance of their area. There remains considerable division of opinion in the North Highline Area. Some citizens prefer annexation to Burien. Others prefer annexation to Seattle. Some citizens would prefer to incorporate as a new city. Some citizens prefer to remain in unincorporated King County.

RCW 36.93.150 Review of Proposed Actions – Actions and Determinations of Board: In response to inquiries from Boundary Review Board members concerning the authority and responsibility of the Board to consider requests by cities to invoke jurisdiction for the purpose of expanding the boundaries of annexations proposed under valid Notices of Intention. This inquiry was based upon a substantial number of such requests that have been presented to the Board.

Mrs. Blauman reported that RCW 36.93 does authorize the Board to consider such requests to consider expansion of annexation areas proposed under valid Notices of Intention. Further, the State Growth Management Act (RCW 36.70A) encourages annexations to ensure that urban lands are governed by urban jurisdictions. The King County Comprehensive Plan/Countywide Planning Policies also encourage municipal annexations. King County is seeking to transfer all urban lands to cities by 2012.

Mrs. Blauman reported that the recent substantial number of requests to expand proposed annexations has been generated primarily by a King County program (the King County Annexation Initiative). This Initiative offers funding to cities as an incentive for assumption of jurisdiction of lands within their Potential Annexation Area. In order to qualify for incentive funding from the King County Annexation Initiative, a city may endeavor to persuade a greater number of citizens to join the community. Such efforts have met with limited success, however, as citizens customarily prefer not to change jurisdictions.

Therefore, in order to more timely achieve more sizeable annexations, cities may invoke jurisdiction of the Boundary Review Board. Similarly King County may propose that the Board expand annexation areas. However, King County prefers to permit cities – as the local government seeking the annexation – to take the lead in invoking the jurisdiction of the Boundary Review Board.

Mrs. Blauman confirmed that the Board has the authority to provide independent, quasi-judicial review for each basic annexation proposal – and for each request for a revision to boundaries. The Board is then responsible to make a decision in each matter consistent with the provisions of RCW 36.93.170 (Factors) and RCW 36.93.180 (Objectives).

D. CORRESPONDENCE

General correspondence was reviewed briefly. No questions or issues were raised with respect to the substance of the general correspondence.

VI NEW BUSINESS

A. NOTICES OF INTENTION

The Boundary Review Board received several inquiries and pre-applications during this month. However, there are no new, complete Notices of Intention before the Board at this time.

B. PENDING FILES

Auburn	Bellevue	Issaquah
Kirkland	Redmond	Renton (13 files)
Ronald Sewer District	Sammamish	Soos Creek
SW Suburban Sewer District	Tukwila	Woodinville

VII. ADJOURNMENT

Action: A. J. Culver moved and Robert Cook seconded a motion to adjourn the Boundary Review Board Regular Meeting. The Board voted unanimously in favor of the motion. The meeting was adjourned at 8:00 P.M.